

PROVIDENCE CITY COUNCIL MEETING AGENDA

April 28, 2015 6:00 p.m.

15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Pledge of Allegiance:

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of April 14, 2015 City Council meeting.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Business Items:

Item No. 1. Resolution 007-2015. The Providence City Council will consider for adoption a resolution amending the Providence City Public Works Standards and Specification Manual by adding Drawing No. C-8 Clear View Detail.

Item No 2. Resolution 011-2015. The Providence City Council will consider for adoption a resolution approving amendments to the Transportation Element and associated map of the Providence City General Plan.

Item No.3. Ordinance No. 2015-003. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 4 Chapter Nuisances.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c).

Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-205(1) (a)

Agenda posted the 23 day of April 2015.


Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **April 14, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Jeff Baldwin, Bill Bagley, Ralph Call, John Russell
8 Pledge of Allegiance: Mayor Calderwood
9

10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes of March 24, 2015 City
12 Council meeting.

13 **Motion to approve the March 24, 2015 minutes: J Russell, second – J Baldwin**

- 14
 - Page 2, Line Hogan not Bogin
 - Page 4, Line 11 – Neighbor Improvement Manager
 - Page 4, Line 13 – add to the next council meeting
 - Page 4, Line 37 J Baldwin not J Bagley
 - Change second J Baldwin vote to J Russell throughout

19 **Vote: Yea: J Baldwin, B Bagley, R Call, J Russell**

20 **Nay: None**

21 **Abstained: None**

22 **Excused: None**

23 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
24 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
25 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
26 arose subsequent to the posting of this agenda and the City Council determines that an emergency
27 exists.

- 28
 - Mayor asked public to restrict comments to the zoning issue only. City Council will only *consider*
29 annexation of the property tonight. Mayor will ask for a hand vote of audience members in
30 favor of the annexation and a hand vote of audience members not favor of the annexation. He
31 asked there not be any comments regarding the annexation tonight. If the Council decides they
32 want to consider annexing the property, there will be a public hearing later on. There will be no
33 annexation tonight.
 - S Bankhead said this is not a rezone of SFL, just a change to the use chart.
 - Cheryl Eames, asks the council to follow Planning Commission's recommendation and not adopt
36 the amendment.
 - Everett Barney, 299 N. 400 E., one of the most prideful investments is our homes. We maintain
38 and improve our homes to show pride of ownership and increase value. He feels the
39 amendment will affect the property values and there will be a potential of losing investments.
40 He is also concerned that if this amendment is approved, it will not be limited to the golf course.
41 Eventually, there could be a motor cross racing track along with other entertainment venues.
42 Porta-potties placed at the golf course is also a concern. His view will be of the porta-potties if
43 they are permitted instead of the mountains.
 - Laura Fisher, she understood that the council had yet to receive a recommendation from the
44 Planning Commission. She is concerned about the way it is printed on the agenda. The
45 publication of the agenda implies that the council was going to make a decision. Mayor said the
46 council does have a recommendation from the Planning Commission. She asked the Council to
47 consider this conditional use permit very carefully. She is not in favor of the amendment. She
48

asked the council to not consider spot zoning requests. It creates too much uncertainty for property owners.

- Douglas Smith, 14 E. 300 N., commented that everyone who was in attendance at the previous Planning and Commission meeting was not in favor of the amendment, except the person applying for it. The road is not built for extra traffic. Part of the land is under agricultural protection and people's yards would have to be taken to make the road a proper road. He does not want any commercialization in that area just for one family to benefit from.
- JoAnne Thompson, 390 E. 200 N., asked if the council had been presented with a visual plan that the public could look at. Mayor said the recreation/entertainment has not been defined. She wanted to know what size the course will be. What audience is Mr. Checketts trying to reach? Is it motorized racing? What are the hours of use? She is concerned that this could lead to other types of recreational ventures in that area. Mr. Checketts has installed two towers down on the highway, then later a building with recreational activities, then a go-cart facility. She felt like that was okay on the highway, but not in a residential area. What will the new owner do to the property if the conditional use is permitted? She has lived in Providence for a very long time and she loves the community, she is concerned that the proposed use change in her neighborhood and surrounding communities would have a negative effect on life style and the area that he loves.

Mayor closed public comments at 6:27 p.m.

Business Items:

Item No. 1. Report: Sherman Sanders will report on the County Urban Deer Meeting.

- Sherman Sanders passed out his report on the County Urban Deer issue (report attached). The county had a meeting on March 9th for the valley. The urban deer problem was discussed at the meeting. In essence the deer are staying in the valley year round. About half the residential population like the deer and half the population feel they are a nuisance. The deer are creating problems by changing their habitat and many deer have died from being fed by the community. He reviewed some of the stipulations regarding how deer control should be managed. Relocation is expensive but so is herd management. There is also a mortality rate of about 50% with relocation of the deer population.

Item No. 2. Resolution 010-2015. The Providence City Council will consider for adoption a resolution accepting for further consideration an annexation petition for Stan Checketts Properties LC. The property described in the annexation petition is located adjacent to the northeast boundary of Providence City (approximately 500 North 400 East); and is comprised of Parcel s No. 02-004-0013, 02-004-0014, 02-005-0003, 02-004-0015, 02-004-0019 containing 33.31 acres.

- Mayor said there will be no public comments, just a show of hands once a motion is made.

Motion to consider Resolution 010-2015: R Call, second – J Russell

- The Mayor took a vote by show of hands of audience members of who was in favor and who was not in favor annexing the property. A few people were in favor of the annexation, most of the audience was not in favor of the annexation.
- J Russell pointed out that this is just a resolution to further consider the annexation, not an annexation.
- S Bankhead commented that there will be a public hearing, noticed in the paper, and the petition has to be certified before it can be annexed.
- This acreage is being annexed from the county. Parcel numbers will not be changed until if and when the property goes through the subdivision process.
- J Baldwin has concerns about water and infrastructure improvements.
- Mayor said staff is working on all ramifications of the City's involvement in the annexation. Sewer and water are being considered. If the council decides to consider this tonight and look at

annexation, the city can make requirements of the developer. This is not under a subdivision ordinance, but an annexation ordinance. Once the property is annexed, then it comes under the subdivision ordinance.

- J Baldwin feels like the council is lacking information.
- B Bagley said this has been in the planning stage for many years. At some point, the development will come in, but he also feels there are a lot of unanswered questions. Once this is approved, then the council will be on the clock to get the annexation done. He feels it needs further study.
- J Drew also felt this was premature. Planning and zoning is currently reevaluating the general transportation plan, and that will have an impact on the outcome. This needs to be done with a clear vision of where this will go.
- R Call felt there is no downside to annexing property. The upside is the ability to control what happens to that property. The owner can go through River Heights, Logan or the county then there will be no control by Providence of what happens on that property. He feels it is unrealistic to expect the property owner to know exactly what all the future plans for this property will be.
- J Russell asked for clarity on the time frame.
- S Bankhead said the City has 30 days to certify the petition if the council decides to move forward with this annexation. She read Utah Code 10-2-405. (See attached code).
- J Baldwin said it is important to consider that if it is annexed, can the City realistically provide water, sewer connection, other utilities and roads. A significant amount of homes will go in under that zoning.
- Mayor said this council is in the driver's seat until the decision is made whether or not to annex. Once the annexation takes place, the developer has to meet subdivision standards and ordinances.
- B Bagley said this has been in the planning stages for a lot of years. He feels that there are still a lot of unanswered questions regarding further development plans.
- J Drew said Planning Commission is currently working on the general plan for the city, which will include zoning. He feels like the City needs a clear vision of where this is going before a decision is made. Water is an issue.
- R Call said he can't see any downside to annexing the property. On the upside, annexation gives the City a lot of control over what happens on that property. He feels the city is ready now to annex the property and it is unreasonable to expect the owner to have concrete plans in place.
- J Russell said he would like clarity on the time frame. Once this is considered for annexation, what happens next.
- S Bankhead said once it is accepted for further consideration, she has 30 days to certify the petition. If it had not been on the agenda tonight, it would have been assumed that the City was moving forward. Skarlet reviewed the process for annexation. If this moves forward, at some point there will have to be a public hearing and once the hearing is held there is nothing that says the decision has to be made in a certain time frame as long as the city is working with the developer on the annexation, agreements, etc.
- R Call said the majority of this property has already been annexed. The developers will be responsible to bring water. The answers to some of these questions will be answered as the development moves along. It protects nearby property owners and benefits the city. The city will be as responsible as possible to protect other property owners and the City.
- Mayor asked for a vote of council members who are in favor of considering at this time. R Call and J Russell were in favor. B Bagley, J Drew and J Baldwin were not in favor.

Vote: Yea: R Call, J Russell

1 **Nay:** **B Bagley, J Baldwin, J Drew**

2 **Abstained:** **None**

3 **Excused:** **None**

4 Item No.3. Ordinance No. 2015-013. The Providence City Council will consider for adoption an ordinance
5 amending Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1 Use
6 Chart by adding Recreation/Entertainment as a conditional use in a Single-family Large (SFL) zone.

7 **No motion was made.**

8 Item No.4. Ordinance No. 2015-012. The Providence City Council will consider for adoption an ordinance
9 amending Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1 Use
10 Chart by allowing beekeeping in all zones in the City.

11 **Motion to approve Ordinance No. 2015-012: R Call, second – J Drew**

- 12 • J Baldwin said there has been a lot of discussion in this council and in planning commission. He is
13 not against bees, but has a concern about a very large bee population in a concentrated area.
14 He feels some neighborhoods could be overwhelmed by bees.
- 15 • R Call asked S Bankhead how many beekeepers are in Providence. Skarlet was not sure.
- 16 • S Bankhead said one of the things this does is bring the zone use chart in harmony with the code
17 on beekeeping that has already been adopted.
- 18 • J Drew felt like this beekeeping is a self-regulating hobby. If the beekeeper doesn't take care of
19 his bees, they will die.
- 20 • R Call said only a small portion of the population is interested in keeping bees.
- 21 • J Baldwin said he would like to see a density control in the ordinance. He feels allowing up to
22 four hives is too many.
- 23 • J Russell said those people who are really interested in this also have a financial burden to
24 support the hobby.
- 25 • R Call said the colonies are self-contained. You don't need more than one hive to support
26 beekeeping.
- 27 • Bob Bissland has kept bees for 25 years, but he feels four hives are too many unless you have at
28 least an acre of land. He feels the ordinance needs to be changed to 2 maximum hives.
- 29 • Jay Barlow said there are 80 hives on pallets up by Stan Checketts property. In the winter they
30 are moved to California.
- 31 • J Baldwin said the oversight is helpful when there is a responsible beekeeper. The CUP gives
32 oversight so when a complaint comes in there is a way to enforce it.
- 33 • S Sanders, Planning and Zoning, said four hives was the recommendation from professionals
34 who came to Planning and Zoning meeting and made that recommendation. If someone wants
35 to keep more than four hives, then they need a CUP. He didn't want to financially burden those
36 who want to keep just one or two hives with having to get a CUP.

37 **Vote: Yea:** **B Bagley, R Call, J Drew, J Russell**

38 **Nay:** **J Baldwin**

39 **Abstain:** **None**

40 **Excused:** **None**

41
42 Item No.5. Ordinance No. 2015-003. The Providence City Council will consider for adoption an ordinance
43 amending Providence City Code Title 4 Chapter Nuisances. As part of this discussion, James Geier, Logan
44 City Neighborhood improvement Manager with Community Development, will explain nuisance
45 regulations and enforcement in Logan City.

46 **Motion to discuss Ordinance No. 2015-003: J Baldwin, second – B Bagley**

47 **Vote: Yea:** **B Bagley, J Baldwin, R Call, J Drew, J Russell**

48 **Nay:** **None**

Abstained: None

Excused: None

- James Geier came to share Logan City's experience with code enforcement. He feels like property ownership makes a difference between those who abide the ordinance and those who don't. He feels the Providence code falls short in the leverage and means to enforce it. In Logan City they deal with about 400 cases per year. He feels it is important to maintain a relationship with the violators and keep it a civil matter not a criminal matter. Once the officer shows up, it is a criminal matter and it is much more difficult to resolve. If a violator does not respond to a written civil notification, then the City of Logan assumes the violator has waived rights to an appeal and fines start to accrue. Logan seeks cooperation first and foremost and usually gets compliance.
- R Call asked about the complaints which generate action from the city. Mr. Geier said they address and verify all complaints. They also drive around and look for violations.
- Recommendation:
 - Feels the Council should not be the hearing body for code violation/appeals. It is a conflict of interest. Logan has a hearing officer if there is an appeal. It is an informal process, but they generally get compliance. If they don't, they go to collection or remediation situations. They also have a justice court venue. They only had one appeal last year out of 400 cases. Often compliance is achieved with just a phone call.
 - Fines accrued for non-compliance which is a good method of enforcement. The city is open to extensions, but they have to be followed.
 - Staff consists of a code compliance inspector rather than a nuisance officer, and a secretary. The city receives block grant funding, about \$500,000 annually for Logan.
 - Compliance inspector sets the fines for code violation. \$100/day up to \$1,000. Liens follow the collection process. If a violator still isn't compliant the city goes to collections on the fines which can result in liens. 80 – 90% of violations are resolved with a letter from the city with a 10 day window to respond. Notice of violation follows if the letter is not responded to within 10 days. If a violator does not respond within 10 days, they waive the right to a hearing appeal. If the violator still does not respond or comply, then the City goes to small claims.
- J Baldwin asked about what is considered a nuisance in Logan City.
- J Geier said they consider all aspects of the code for violations, not just nuisance violations.
- Kevin Fife asked if Logan ever goes in and cleans up a property.
- J Geier says they need an abatement order to enter a property. The City can do an emergency abatement, which moves much faster, to clean up the property. They try to avoid that as it is not advantageous to the City to enter a property to clean it up.
- J Baldwin asked about consistency. J Geier said they are very consistent with application of code violations. Education is part of the solution to the problem. They have very effective minimum standards.
- S Bankhead asked what happens after the City has exhausted all means but the owner still has not cleaned up the property.
- J Geier said they can file a criminal summons and a judge will mandate the cleanup. Generally the compliance will come at the beginning of the process rather than the end of the process.
- J Drew if the abatement is avoided by the process Logan follows.
- J Geier says almost always the violators are compliant and willing to cooperate when they are notified. Often a courtesy notice on the door resolves the issue. The formal process is reserved for the most egregious violators. Agents, tenants and owners are always notified. Agents and property owners are usually the most responsive and have the most control over the property.

- Bob Bissland asked how they decide if a complaint is valid.
- J Geier said the compliance inspector makes that decision.
- Mayor thanked Mr. Geier for coming and talking to the council.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

R Eck:

- R Eck emailed his report to the council.
- J Baldwin asked if there are any significant changes in water flow due to lack of water this winter. R Eck said at this time it is hard to answer the question, but as far as drinking water is concerned, he has no issues.

S Bankhead:

- Invoice registers for March were included with her report and emailed to the council. No concerns were expressed from the council.
- Rec program is in full swing. Baseball has started. City Celebration and car show are moving forward. Miss Providence is this month. City is a sponsor but a volunteer group is doing that. Time and dates are in the newsletter. Mayor said the Pageant had a full house last year.
- The City does deal with a lot of nuisances. A couple of residents have chosen to ignore the City's petitions, but mostly people comply once they are notified. Providence City uses different people to for code enforcement than what Logan uses.
- J Baldwin asked about code compliance for animals such as dogs. Who monitors that?
- S Bankhead said we have a computer program that monitors dogs if they are licensed. Problems with animal control are handled through Cache County.
- B Bagley asked about the invoice register. Skarlet said it is payables from the check register.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

J Russell – no report.

J Baldwin – no report.

R Call – no report.

J Drew – at the request of David Zucker, City Manager for Nibley, J Drew talked to Ron Salveson, City Administrator for Hyrum.

B Bagley – business directory is still being fine-tuned. Tamara is making calls to verify those who have not paid for a license. Down about 50 total businesses from last year. Could explain why tax revenue is flat. Tractor Supply and La Tormenta should help with that.

Mayor:

- CVTD meeting with major agenda items on Friday morning.
- Met with Bob Fatheringham – looking at some type of conservation district concerning water. He was going to come tonight, but didn't.
- Friday morning (4/16/2015) meeting with 6 cities on having two representatives meet with Logan on differences in the Inter-local agreement.
- Wednesday (4/15/2015), second meeting regarding DOT proposal for medium strip in front of Amsource (Macy's). They believe there is high accident potential. Solution is to have Macy's move entrance to the south.
- Everything is approved for the April/October switching from irrigation to municipal. No objections after public notice. Waiting for the state's go ahead. Then we will meet with Springcreek Water Company and make a determination. It will be a one year temporary agreement.
- Continued discussions with Hyrum, Nibley and Providence.
- Irrigation water out of Providence Canyon. Mayor has taken tours and been talking with people.

1 He feels the more water that comes out of the canyon the better.

- 2 • Blacksmith Fork Irrigation Company said Blacksmith Fork River does not have the flow it had last
3 year. There could be less water for the exchange. They will determine that at a later date. The
4 less water out of Blacksmith, the less we can get from Springcreek.

5
6 Mayor Calderwood read the following items for executive session.

7 **Executive Session:**

8 Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the
9 sale of real property Utah Code 52-4-205(1) (d) and (e).

10 Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah
11 Code 52-4-205(1) (c).

12 Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-
13 205(1) (a).

14 **Motion to enter Executive Session: J Baldwin, second – J Russell**

15 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

16 **Nay: None**

17 **Abstained: None**

18 **Excused: None**

19
20 **Motion to close Council meeting: J Baldwin, second – R Call**

21 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

22 **Nay: None**

23 **Abstained: None**

24 **Excused: None**

25 CC meeting adjourned at 8:16 p.m.

26 Minutes recorded by S Bankhead and prepared by C Craven.

27
28
29
30
31 _____
Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

Resolution 007-2015

A RESOLUTION AMENDING THE PROVIDENCE CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS MANUAL BY ADDING DRAWING C-5C TEMPORARY BRIDGE FOR CURB & SIDEWALK.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS the Providence City Public Works Director recommends the City Council amend the Providence City Public Works Standards and Specifications Manual by adding Drawing C-8 Clear View Detail.

- The Public Works Director feels it is necessary to provide illustration for the clear view area described in Providence City Code Title 10 Zoning Regulations, Chapter 9 Supplementary Regulations within all Districts, Section 2 Corner Lot Obstruction.
- The City Engineer has prepared the attached drawing.

THEREFORE be it resolved by the Providence City Council:

- The attached Drawing No. C-8 shall be added to the Providence City Public Works Standards and Specifications Manual
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 28 day of April, 2015.

Council Vote:

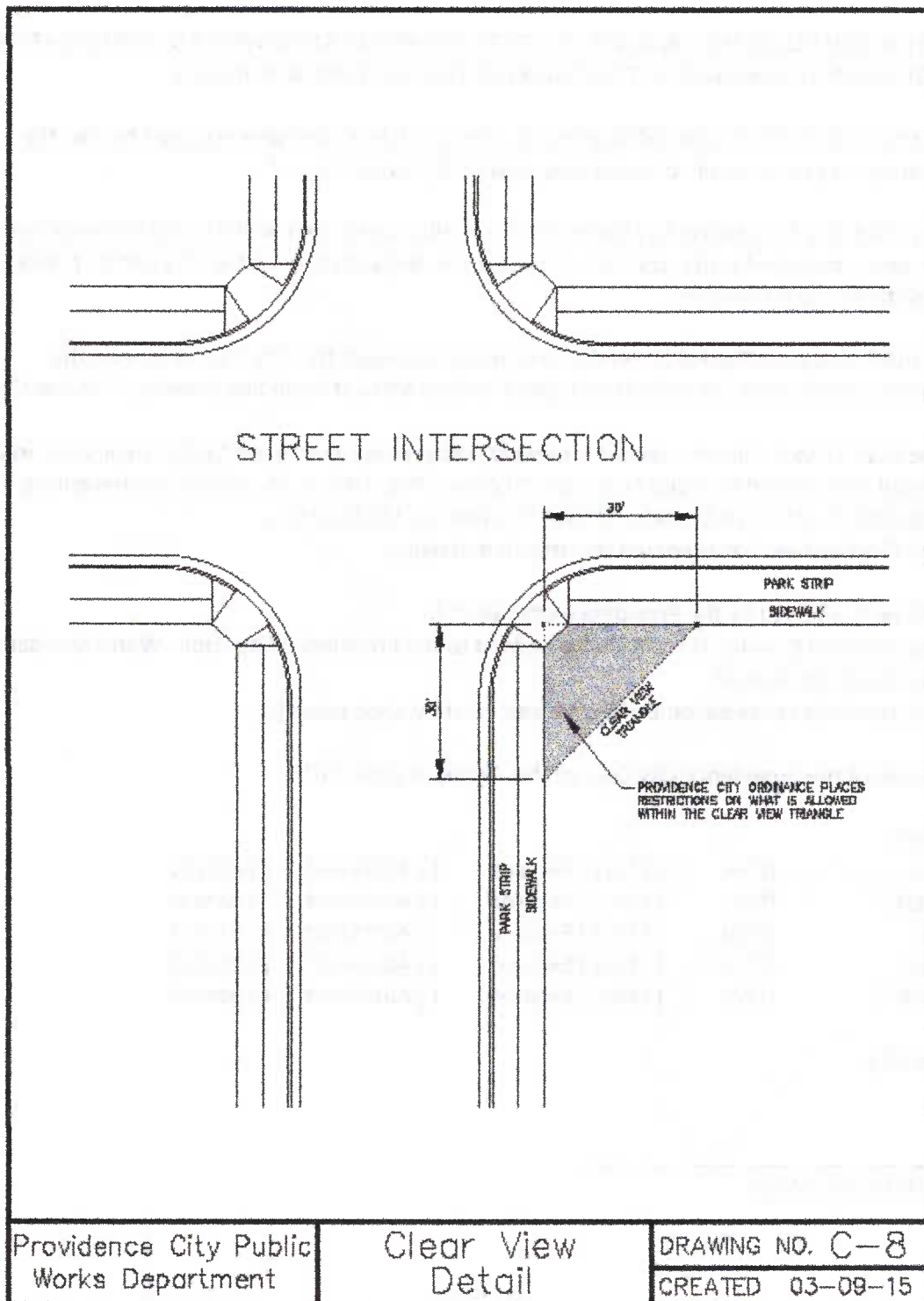
Bagley, Bill	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Call, Ralph	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder



PROVIDENCE CITY

City Council Meeting Date: 04/28/2015

Recommendation: The Providence Planning Commission recommends the City Council approve the attached amendments and associated map for the Transportation Element of the Providence City General Plan.

Item Type: General Plan Amendment

Applicant: Providence City

Prepared by: S Bankhead

Background Information:

The Providence City Master Plan was adopted in December 2000.

Amendments were made in 2007.

The Moderate Income Housing Element was revised in December 2014.

On February 25, 2015, the Providence Planning Commission held a public hearing to received public comment on proposed amendments to the transportation element of the Providence City General Plan.

During the March 25, 2015 Planning Commission meeting, the Commission took the following action:

Item No. 4. Proposed General Plan Amendment. The Providence City Planning Commission will consider for recommendation to the Providence City Council proposed amendments to the transportation element of the Providence City general plan.

- *H Hansen suggested taking out "is as important" of the verbiage on page 2.*
- *"Investigation of alternate means of transportation is important" was the decided language.*

Motion to recommend to the City Council the proposed amendments to the transportation plan: K Allen, second – W Simmons

Vote: Yea: R James, W Simmons, K Allen, S Sanders, H Hansen

Nay: None

Abstained: None

Excused: None

FINDINGS OF FACT:

The following citations are from the Utah State Code. Section 10-9a-203 noticing applies to first and second class counties; Cache County is a county of the third class.

10-9a-401 General plan required -- Content.

(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of all or any part of the land within the municipality.

(2) The plan may provide for:

- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;

- (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.
- (3) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-403 Plan preparation.

- (1)
- (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
 - (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.
 - (c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.
 - (d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.
- (2)
- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
 - (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
 - (iii) for cities, an estimate of the need for the development of additional moderate income housing within the city, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
 - (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live there; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally

- imposed by the city;
- (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
- (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
- (G) consider utilization of affordable housing programs administered by the Department of Workforce Services.
- (c) In drafting the land use element, the planning commission shall:
 - (i) identify and consider each agriculture protection area within the municipality; and
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
 - (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation;
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2); and
 - (g) any other element the municipality considers appropriate.

Amended by Chapter 212, 2012 General Session

10-9a-404 Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

- (1)
 - (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
 - (b) The planning commission shall provide notice of the public hearing, as required by Section 10-9a-204.
 - (c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
- (2) The planning commission shall forward the proposed general plan or amendment to the legislative body.
- (3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.
- (4)
 - (a) The municipal legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the municipal legislative body considers

appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(5) The legislative body shall adopt:

- (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);
- (b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii); and
- (c) for all cities, after considering the factors included in Subsection 10-9a-403(2)(b)(ii), a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-204 Notice of public hearings and public meetings to consider general plan or modifications.

(1) Each municipality shall provide:

- (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
- (b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:

- (a)
 - (i) published in a newspaper of general circulation in the area; and
 - (ii) published on the Utah Public Notice Website created in Section 63F-1-701;
- (b) mailed to each affected entity; and
- (c) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:

- (a)
 - (i) submitted to a newspaper of general circulation in the area; and
 - (ii) published on the Utah Public Notice Website created in Section 63F-1-701; and
- (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

Amended by Chapter 90, 2010 General Session

CONCLUSION OF LAW

- The Providence Planning Commission followed the requirements in the above listed sections of Utah Code.
- The public hearing and all public meetings held regarding the transportation element of the general were posted as required in the above listed Utah Code 10-9a-204.

TRANSPORTATION CORRIDORS

Including: Roads, Streets, Alternate Transportation Systems



BACKGROUND:

Road/street planning in Providence was aided by passage of the subdivision ordinances, which require consistent types of streets throughout the City. Planning Commissions and City Councils have revised and modified the street ordinances in attempts to better meet changing conditions.

The City currently has three types of streets:

1. Feeder Street: A street which carries traffic to a collector street system and shall have a designated right of way of fifty-six feet (56'). Except when used in a cul-de-sac, feeder streets shall not exceed 350' in length and shall not be adjacent to more than eight (8) lots.
 2. Collector Street: A street which carries traffic to the major street system, and shall have a right of way of sixty-six feet (66').
 3. Major Street: A street which serves as a major traffic way, a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan, and shall have a designated right of way of eighty feet (80').
- Private streets are allowed; but must be built to the above standards.

In June 2007 Providence City increased the minimum park strip width to six feet (6'). Thus enabling a greater variety of street trees to be appropriately placed, provide a greater distance between pedestrian and vehicle, and assist in snow removal and storage. It also has the effect of traffic calming (creating a sense of need for slower speed on a narrower pavement section).

As development plans are reviewed, those involved in the review and approval processes rely on the Utah Code, the Manual for Uniform Traffic Control Devices (MUTCD), the City Code, the Public Works Standards and Specifications Manual, and any other applicable codes and/or standards.

The City code requires connectivity of new streets with existing streets and that the arrangement of streets in new developments provide for the continuation of streets to adjoining undeveloped areas. Because connectivity throughout the City is important, the use of cul-de-sacs should be limited. The City Code defines a cul-de-sac as: A street having one open end and being terminated at the other end by a vehicular turnaround; and shall not exceed 600' in length. A connector street shall be used if the cul-de-sac contains sixteen (16) or more lots. A feeder street may be used in a cul-de-sac containing fifteen (15) lots or less.

Providence City is a member of the Cache Metropolitan Planning Organization (CMPO); as a member of that body, the City is involved in transportation planning at a countywide level. Proposed corridors and layout from the countywide plan have been incorporated into the City's plan.

Providence City has one State road, SR165; and one County road (CR238) within the City's boundaries.

PRINCIPLES:

Provide safe, flexible, and accessible transportation corridors throughout the City.

Integrate alternative means of transportation, including public transportation, pedestrian travel, and bicycle friendly routes.

TRANSPORTATION PLAN DIRECTIVE:

Planning for transportation is an integral part of the community General Plan. Safe and efficient transportation corridors are important to the economy of the city and the well-being of its citizens. Corridors should maximize the potential for life safety, consider the needs of vehicle, pedestrian, and alternate transportation means, and add aesthetic value to neighborhoods, commercial areas, and industrial/manufacturing areas. Current vehicular routing problems must be resolved. Future needs, including alternative transportation systems, must be considered.



Sheet No. 1 Transportation Corridor Plan indicates general locations where major transportation corridors may be placed to provide adequate ingress/egress and access throughout Providence. Minor deviation in placement of these corridors is anticipated inasmuch as the specific route illustrated may be unobtainable. The map suggests an appropriate right-of-way section for each corridor. Redundant accesses should be provided for new subdivisions which will reduce the traffic through the downtown area. Coordination of future streets with the Cache Metropolitan Planning Organization (CMPO) plan is advised. Coordination with adjacent cities is vital to implement a traffic corridor which will reduce the already impacted Highways 89-91 and 165 (Logan Main Street) The City should consider means to obtain rights-of-way for the proposed roads as funds permit. Negotiation, and eminent domain, if required, may be used as a last resort to implement the concepts of the Transportation Plan.

Alternative transportation systems must be considered for both existing corridors as well as new developments. Alternative systems include, but are not limited to: accessible pedestrian walkways, Urban Trails (discussed elsewhere in the General Plan), bike paths, and public transit.

It is the intent of the Transportation Plan that the Planning Commission recommend the final location of proposed corridors in harmony with the guidelines stated herein.

CURRENT CONCERNS INCLUDE:East Benches:

Growth in Providence has occurred along the east bench areas. Traffic from the north bench area is funneled onto Center Street through the downtown area, creating safety concerns, and potential for congestion. Prior to the construction of 1000 South, Canyon road had been the traditional conduit for much of the south bench also funneling traffic to the downtown area.

Areas with Limited Ingress and Egress:

Areas of Providence have been developed with limited access, generally having only one street. The interests of safety and convenience suggest that good planning will address multiple accesses to all areas of Providence. To provide connectivity, the use of cul-de-sacs should be limited.

Alternative Transportation Systems:

Investigation of alternate means of transportation is important. Bus, light rail, bike paths, walking paths are an important part of transportation issues. The City will work with the CMPO and Cache Valley Transit District (CVTD) to coordinate alternative transportation systems.

Variations/exceptions from the ordinances:

At times, deviation from the ordinances have led to less than desirable outcomes relative to walks, park strips, curb and gutter placement, and storm water control, which deviated from the standards included in the ordinances and Public Works Standards and Specifications Manual.

Conformance to the intent of the ordinance is vital. Deviations should not be allowed for the convenience of a developer. However, creative concepts that work within the ordinances are encouraged when applied to entire developments.

Future growth will compound these problems. Creative and careful planning is needed to anticipate transportation needs in advance of newly developing areas.

FUTURE NEEDS:

- A capital facilities plan for transportation corridors should be drafted, along with updating the 1997 Impact Fee Analysis.
- Commercial and Downtown Area:
 - Continuation of Gateway Dr to 300 South and beyond will aid the commercial area.
 - Improve intersection at 100 North and 200 West.
 - Extend 330 West from 700 South north to 100 South.
 - Continue 100 South from 200 West to Highway 165.
 - Improve the 200 West and 100 South intersection.
 - In the Downtown Area, each street has been considered and should be improved in accordance with the Downtown Street Cross-Sections. In general sidewalks will be placed at the property line; however, in areas with existing sidewalk, new sidewalk will be placed to allow a smooth transition. Curb, gutter, and asphalt width will be installed in accordance with the Downtown Street Cross-Sections.
 - Extend Main Street to Millville 200 East.
 - Upgrade 300 South from 100 East moving west to 200 West.
 - Align the intersection or consider roundabout at 200 West and 300 South.
- Northeast Area:
 - Routing traffic north on 300 East should be a top priority.
 - Improve 300 East from 100 North to 200 North.
 - Development of 200 North east and west is one of the best immediate solutions. Long range solutions are through land not yet annexed to the city
 - Improve the 200 North and 300 East intersection.
 - Improve 200 North from 400 East to 300 East.
 - Improve 400 East from Center Street to Spring Creek Parkway.
 - Improve 100 North to 400 East



- Connecting the area of 500 North to Spring Creek Parkway will help with east/west traffic flow concerns in the north.
- Upgrade/build Spring Creek Parkway from Gateway Drive going east to future bench corridor.
- East Bench Connectivity:
 - A bench corridor, near the power lines, not only incorporates the CMPO plan for multi-city connectivity, but also allows bench traffic to travel north/south without impacting the lower downtown neighborhoods.
- Southeast Area:
 - Improve 100 East from to 300 South to Canyon Road.
 - On April 22, 2008, the Providence City Council approved Resolution 08-006 a resolution establishing guidelines for the right-of-way for Canyon Road and 400 East between Canyon Road and the City's south Boundary line.
 - Eliminate extending Cove Street to Canyon Road.
 - Upgrade Canyon Road from Spring Creek Road to Providence Canyon.
 - Construct path along Canyon Road.
 - Continues 500 East to continue from Canyon Road to 1000 South.
 - Extend 600 East from 1000 South to Hillsborough.
 - Connect Hillsborough to Hidden View.
 - Improve 400 East from Canyon Road to Millville city limits.
 - Continue 300 East, at approximately 870 South, south as a complying paved road.



PROVIDENCE CITY MASTER PLAN

SHEET No. 1

TRANSPORTATION CORRIDOR PLAN

THIS MAP IS THE PLAN FOR FUTURE
MAJOR TRAFFIC CORRIDORS WITHIN THE
CURRENT & FUTURE CITY BOUNDARIES.

LAST REVISION: APRIL 15, 2015



Scale: 1" = 100' (Horizontal)
Scale: 1" = 100' (Vertical)

LEGEND

	PROVIDENCE CORPORATE LIMITS
	FUTURE PROVIDENCE CORP. LIMITS
	NEIGHBORING CITY LIMITS
	SECTION CORNER
	AREA OF EXISTING PROVIDENCE CITY CORPORATE LIMITS
	EXISTING STREET OR ROAD
	FUTURE TRAFFIC CORRIDOR 65 FOOT R/W U.I.O.
	FUTURE 80 FOOT CORRIDOR
	UPGRADE EXISTING CORRIDOR
	FUTURE ROUNDABOUT
	BICYCLE ROUTE
	CVS BUS ROUTE

DRAFT

Ordinance No. 2015-003

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 4 CHAPTER 1 NUISANCES

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- At the request of the City Council, the attached code amendment has been prepared.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved;
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 28 day of April 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this 28 day of April 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 1

NUISANCES

SECTION:

- 4-1-1: Nuisances Defined.
- 4-1-2: Responsibility for Nuisances.
- 4-1-3: Maintenance of Nuisance Prohibited; Enumeration of Nuisances.
- 4-1-4: Abatement Procedure

4-1-1: NUISANCES DEFINED.

For purposes of this chapter, a nuisance is anything which occurs within the city and meets any one or more of the following definitions:

1. Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. Any item, thing, manner, or conditions whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
3. Anything which (a) annoys, injures, or endangers the comfort, repose, health, or safety of others; or (b) offends the public decency; or (c) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or (d) in any way renders other persons insecure in life or in the use of property.
4. Any condition or use of property or premises or of building exteriors which are deleterious, injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following: (1) Lumber, junk, trash or debris; (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, machinery, canisters or automobiles, or other discarded items not currently in use.
5. Every other offensive situation, conduct or activity specifically enumerated elsewhere herein, including, but not limited to, those enumerated in Section 4-1-3, below.

4-1-2: RESPONSIBILITY FOR NUISANCES.

Where a nuisance exists upon property the property owner, the landlord and/or his agent, the tenant and/or his agent, any person who causes, creates, contributes to, supports or permits a nuisance to occur or remain upon property, and any and all other persons having control, use, and/or occupation of the property on which such nuisance exists shall be equally liable and responsible therefore. In cases where there are more than one responsible persons, the city may proceed against one, some, or all of them. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

4-1-3: DECLARATION OF NUISANCE; ENUMERATION OF NUISANCES:

- A. Every act or condition made, permitted, allowed or continued that falls within the definition of nuisance as provided in Section 4-1-1, is hereby declared to be a nuisance and may be abated, punished, and remedied as hereinafter provided.
- B. Every situation, conduct or activity specifically enumerated and listed below constitutes a nuisance and may be abated pursuant to this ordinance (the listed examples are not exhaustive; a situation, conduct, or activity not listed below, but that falls within the definition of nuisance, shall also constitute a nuisance):
1. Befouling Culinary Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
 2. Privies, Cesspools, Septic Tanks: Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors or contamination to air or water.
 3. Garbage Containers, Offensive: Permitting any garbage container to remain on premises when it has become unclean and offensive. The leaving of any garbage can or refuse container in the street other than on collection day, or for more than 12 hours before or after collection day.
 4. Accumulation of Junk: Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon the property, or any private alley, yard or area. This includes the accumulation of used or damaged lumber; junk; scrap metal; machinery or machinery parts; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, boxes, barrels, bottles, cans, containers, cabinets, refrigerators, or other fixtures, equipment, products, or personal property stored so as to be visible from a public street, alley, or adjoining property.
 5. Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, kennel, or in any other building or area in which any animals are kept.
 6. Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
 7. Discharging Offensive Water or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
 8. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.
 9. Flies and Mosquitoes: Having or permitting upon any premises any fly or mosquito-producing condition.
 10. Ablutions near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.

11. Boarding House or Factory, Sanitary Condition: Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
12. Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the City.
13. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
14. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council.
15. Offensive Condition or Refuse: Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property, or the keeping or storing of any refuse or waste matter which is visible from a public street, alley, ~~or adjoining property~~, and whenever there is found any garbage, junk, used materials (including waste concrete, asphalt ect.) and merchandise, waste, inoperable motor vehicles, trash, rank and noxious weeds, or other unsightly or deleterious objects or conditions that are offensive to the order and economy of the city.
16. **Outdoor Storage of Personal Property:** Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) that is visible from a public right-of-way, public street, sidewalk, or alley within the City is hereby declared to be a nuisance and dangerous to the public safety.
17. **Outdoor furniture. Keeping furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to passersby in the public right-of-way, public street, sidewalk, or alley (for more than two (2) days in any six-month period).** This shall include, but not be limited to, the placement, use, keeping, storage, or maintaining any furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way, public street, sidewalk or alley, and no owner, landlord, property manager, tenant, or other occupant shall permit any such activity to occur on property owned or managed by such person.
18. **Unsheltered Inoperable Motor Vehicle. The unsheltered storage of an inoperable motor vehicle for sixty (60) days or more on private property in a manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way.**
 - a. Exceptions. This restriction does not apply to any person who is conducting an automobile sales, storage, or repair enterprise operated in compliance with existing zoning regulations and other applicable law, when the storage is necessary to the operation of such business' enterprise.

Further, this restriction does not apply to an inoperable motor vehicle located in a garage or other fully enclosed building or placed behind screening of sufficient size, strength and density, such as a solid fence, to screen it from public view of a person standing upon any public street, alley, sidewalk, or right-of-way.

19. Improper Accumulations. Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or adjoining property.
20. Improper Maintenance. Buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair.
21. Dangerous Conditions. Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any excavation, hole, well, pit, basement, cellar; or any land, lot, or yard which, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any harm, inconvenience, discomfort, damage, or injury to the public or to any one or more individuals.

- C. ENUMERATION OF NUISANCES: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this Chapter.
- D. RESTROOM OR SEWER FACILITIES: All restroom or sewer facilities shall be constructed and maintained in accordance with Utah law and City ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed. (1977 Code § 10-315; 1998 Code)
- E. RESTRICTIONS ON BLOCKING WATER:
 1. Obstructions: It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow there from, or to become unsanitary.
 2. Subject to Abatement: Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (1977 Code § 10-316)
- F. GENERAL DUTY OF MAINTENANCE OF PRIVATE PROPERTY: No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. The failure of a person owning, leasing, occupying or having charge of any premises to comply with such general duty of maintenance is a nuisance that may be abated under this chapter. In connection herewith, a person owning, leasing, occupying or having charge of any premises, is subject to the following:
 1. No owner or occupant of any premises which are adjacent to any portion of a ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse,

2. rubbish or storage of any material within or upon such adjacent areas.
2. An occupant of a residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. Any such compost pile shall be so maintained to prevent putrefying or attracting insects or animals, as such shall constitute a nuisance hereunder.

- G. PUBLIC NUISANCES NOT EXEMPT. Nothing in this Section shall be construed to permit activities, conditions, or situations that would constitute a public nuisance or would otherwise be unlawful under applicable law absent the existence of this Section. Furthermore, nothing in this Section shall be construed to limit the city's rights and remedies to deal with public nuisances under applicable law.

(1977 Code § 10-331; 1998 Code)

- B.
C.

- D. (1977 Code § 10-333)

1.

Comment [U1]: Can we charge person with Class C for violating nuisance ordinance? I do not think so.

4-1-4: ABATEMENT PROCEDURE:

- A. APPOINTMENT AND DUTIES OF NUISANCE OFFICER/CITY DESIGNEE:

1. Appointment: There is hereby established the position of Nuisance Officer whose duties shall be to enforce the provisions of this Chapter. If there is no appointed Nuisance Officer serving, the contracted law enforcement agency, or other designee shall administer and enforce the provisions of this Chapter. More than one person may be appointed to act as Nuisance Officer or the city designated representative under this Section. In case of nuisances involving dangerous buildings or violations of codes this ordinance may be administered and enforced by the city's community development department.
2. Duties: The Nuisance Officer and/or the city designated representative is authorized to:
 - a. Perform all functions necessary to enforce the provisions of this Chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this Chapter.
3. Existence of Nuisance: If the city designated representative concludes there exists an objectionable condition constituting a nuisance in violation of this Chapter, the city designated representative shall
 - a. Ascertain the names of the owners and occupants and descriptions of the

Comment [U2]: Have we appointed Nuisance Officer?

premises where such objects and conditions constituting a nuisance exist.

- b. Serve notice in writing upon the owner, occupant, or responsible person of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the County Assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate, destroy, remedy, and/or remove the nuisance within such time as the **city designated representative** may designate; provided, that any person notified pursuant to this subsection shall be given at least ten (10), but not more than twenty (20) days, as determined by the **city designated representative** following the date of service of such notice, to correct the objectionable condition. The notice shall:
- i. Contain the name and address of the responsible person(s).
 - ii. Contain a statement of the nature of the nuisance and describe the premises on which the violation exists.
 - iii. Inform the owner, occupant or other responsible person that in the event he or she disagrees with the determination of the **city designated representative** and does not wish or intend to comply with the provisions of the notice, or that he or she objects to the factual or legal basis for the notice, ~~he~~ **he or she** may request in writing a hearing before the ~~City Council~~ **Administrative Hearing Officer (AHO)** at a time and place to be set by the ~~City Council~~ **AHO**. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
 - iv. Inform the responsible person of the required corrective action to abate the nuisance.
 - v. Inform the responsible person that in the event he or she fails or neglects to correct the objectionable condition, the City will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he or she will be assessed such removal and destruction costs, together with reasonable administrative costs, and reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax.
- v.

B. HEARING:

1. Informal Hearing; Written Decision: At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects, or other nuisance from the property, the ~~City Council~~ **AHO** shall conduct an informal hearing (which need not be reported), wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this Chapter. The ~~City Council~~ **AHO** shall also permit the presentation of evidence and argument by the **city designated representative** and other

interested parties. Thereafter within not less than five (5) nor more than ten (10) days, the City Council AHO shall, ~~over the signature of the Mayor, or such other member of the City Council as it may designate,~~ render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the city designated representative.

2. Notice of Decision; Abatement By Owner Or Occupant: In the event the decision of the City Council AHO upholds the determination of the city designated representative, the notice originally given by the city designated representative as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the city designated representative.
3. Time Period for Compliance: In the event that the decision of the City Council AHO either overrules or modifies the determination of the city designated representative, the written decision of the City Council AHO shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the City Council AHO within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the city designated representative, unless additional time is authorized by the City Council AHO.
4. Filing of Amended Notice: The city designated representative shall file an amended notice and proof of service of notice and file the same in the office of the County Treasurer City Recorder. (1977 Code § 10-352)

- C. FAILURE TO COMPLY; ABATEMENT BY CITY: If any owner, occupant or other responsible person having an interest in land described in such notice of decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such nuisance, the city may enter upon the subject property and may remove or correct the condition which is subject to the abatement. The city designated representative shall, at the expense of the city, employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed by the city.
- D. ITEMIZED STATEMENT: The city designated representative shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant, or both, to persons having an interest in the property, or other responsible persons, demanding payment within thirty (30) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail, addressed to the last known address of the property owner, occupant or persons having an interest in the property. The itemized statement shall include the address of the subject property; an itemized list of and demand for payment for all expenses, including administrative and incidental expenses, of correcting or abating the nuisance; the address of the municipal treasurer where payment may be made for the expenses; and notification to the property owner that failure to pay the expenses may result in a lien on the property, that the owner may file a written objection to all

or part of the statement within 20 days after the date of mailing (such hearing to be conducted in accordance with Utah Code Ann. § 10-11-3), and the location where the owner may file the objection, including the municipal office and address.

- E. FAILURE TO MAKE PAYMENT: In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the City Treasurer within the thirty (30) days, the city designated representative may either cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as provided in this Chapter.
- F. COLLECTION BY LAWSUIT: In the event collection of expenses of destruction and removal are pursued through the courts, the city may sue and shall be entitled to judgment for all of said expenses of destruction and removal, including administrative costs, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.
- G. COLLECTION THROUGH TAXES: In the event that the city designated representative elects to refer the expenses of destruction or removal to the County Treasurer as a lien against the subject property, he shall certify the past due costs and expenses to the county treasurer in accordance with Utah Code Ann. § 10-11-4. Thereupon, the costs of the work shall be pursued by the County Treasurer in accordance with the provisions of Utah Code Ann. §§ 10-11-3 to 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

- H. CRIMINAL PROCEEDING: The Commencement of criminal proceedings for the purpose of imposing penalties for violations of this Chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this Chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this Chapter. (1977 Code § 10-358)
- I. PENALTY FOR FAILURE TO COMPLY:
1. Class C Misdemeanor and Monetary Fine: Any owner, occupant or person having an interest in property subject to this Chapter who shall fail to comply with the notice or order given pursuant to this Chapter shall be guilty of a Class C misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code for each offense, and further sum of twenty-five dollars (\$25.00) for each and every day such failure to comply continues beyond the date fixed for compliance.
 2. Criminal Proceedings: Compliance by any owner, occupant or person to whom a notice has been given subsequent to the commencement of criminal proceedings as provided in this Chapter shall not be admissible in any criminal proceeding brought pursuant to this Section. (1977 Code § 10-359)
- J. NON-EXCLUSIVE REMEDIES: Notwithstanding anything contained herein to the contrary, the city may proceed pursuant to Utah Code Ann. § 10-11-1 et seq. without complying with any of the provisions of this chapter. In addition, the city may take any or all of the above-mentioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity who creates, causes, or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the city or any person to recover damages or penalties for its past existence.